

21.01.2022

Court No.32
rpan/ 10

C.R.M. 8676 of 2021

[Via video Conferencing]

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure;

And

In re: **Mintu Shaikh**

- Petitioner

Mr. Sumanta Das,
Mr. Subir Debnath
... for the Petitioner.

Mr. Shiladitya Banerjee
... for the State.

Mr. Sabyasachi Banerjee,
Mr. Subhankar Chakraborty,
Ms. Ruehira Manna
... for the *De Facto* Complainant

Apprehending arrest in connection with Chapra Police Station Case No.512 of 2021 dated 24.11.2021 under Sections 420/506 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The *de facto* complainant has already initiated a proceeding under the Negotiable Instruments Act in which the petitioner surrendered and obtained bail. The other allegation to the effect that the petitioner threatened the officials of the BTL EPC Ltd. are absolutely unfounded. There also exists a dealership agreement between the petitioner and the concerned company. In the said conspectus, custodial interrogation is not necessary.

Mr. Banerjee, learned advocate appearing for the State opposes the petitioner's prayer and submits that the petitioner is a habitual offender and he has not paid an amount of Rs.14 lakhs against the goods supplied to him by the concerned company. There are strong incriminating materials against the petitioner and as such, he is not entitled to the relief as prayed for.

Mr. Banerjee, learned advocate, enters appearance on behalf of the *de facto* complainant and opposes the petitioner's prayer. He submits that even after obtaining the materials, the petitioner has not paid an amount of Rs.14 lakhs. In view of such conduct, he is not entitled to the privilege of anticipatory bail.

Heard the learned advocates appearing for the respective parties.

Considering the materials in the case diary and bearing in mind the nature of allegations levelled, in the light of the arguments as advanced, we are of the opinion that custodial interrogation of the petitioner is not warranted. As such, his prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mintu Shaikh** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973, with a further condition that he shall meet with the

Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8676 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)